

Chapter ILHR 35

INFECTIOUS AGENTS

ILHR 35.001 Purpose  
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**ILHR 35.001 Purpose.** The purpose of this chapter is to identify, by administrative rules, those infectious agents relevant to the Employees' Right to Know Law, ss. 101.58 to 101.599, Stats.

History: Cr. Register, September, 1983, No. 333, eff. 10-1-83.

**ILHR 35.01 Definitions.** In this chapter:

(1) "Department" means the department of industry, labor and human relations.

(2) "Infectious agents" has the meaning set forth in s. 101.58 (2) (f), Stats.

Note: The statutory definition for infectious agents reads:

"Infectious agent" means a bacterial, mycoplasmal, fungal, parasitic or viral agent identified by the department by rule as causing illness in humans or human fetuses or both, which is introduced by an employer to be used, studied or produced in the workplace. "Infectious agent" does not include such an agent in or on the body of a person who is present in the workplace for diagnosis or treatment.

History: Cr. Register, September, 1983, No. 333, eff. 10-1-83.

**ILHR 35.02 Infectious agents.** Pursuant to ss. 101.58 (2) (f) and 101.598 (1), Stats., the bacterial, mycoplasmal, fungal, parasitic and viral agents and arboviruses specified in Tables 35.02-1, 35.02-2, 35.02-3, 35.02-4, 35.02-5, respectively, are designated as infectious agents.

TABLE 35.02-1

BACTERIAL AND MYCOPLASMA AGENTS

Bacillus anthracis	Mycobacterium asiaticum
Brucella abortus <sup>a</sup>	Mycobacterium avium complex
Brucella canis	Mycobacterium bovis <sup>a</sup>
Brucella melitensis <sup>a</sup>	Mycobacterium chelonae
Brucella suis <sup>a</sup>	Mycobacterium fortuitum
Campylobacter fetus	Mycobacterium kansasii
subspecies jejuni	Mycobacterium leprae <sup>a</sup>
Chlamydia psittaci <sup>a</sup>	Mycobacterium malmoeense
Chlamydia trachomatis	Mycobacterium marinum
Clostridium botulinum	Mycobacterium scrofulaceum
Clostridium tetani	Mycobacterium simiae
Corynebacterium diphtheriae	Mycobacterium szulgai
Francisella tularensis	Mycobacterium tuberculosis <sup>a</sup>
Legionella pneumophila	Mycobacterium ulcerans
Legionella-like organisms	Mycobacterium xenopi
Leptospira interrogans — all	Neisseria gonorrhoeae
serovars <sup>a</sup>	Neisseria meningitidis
Mycobacterium africanum	

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Salmonella enteritidis (all serotypes)	Treponema pallidum
Salmonella typhi	Vibrio cholerae
Shigella spp. <sup>a</sup>	Vibrio parahaemolyticus
	Yersinia pestis

<sup>a</sup>Agents of high virulence or contagion requiring special handling procedures.

TABLE 35.02-2

## FUNGAL AGENTS

Blastomyces dermatitidis <sup>a</sup>	Histoplasma capsulatum <sup>a</sup>
Coccidioides immitis <sup>a</sup>	Microsporium spp
Cryptococcus neoformans	Sporothrix schenkii
Epidermophyton spp	Trichophyton spp

<sup>a</sup>Agents of high virulence or contagion requiring special handling procedures.

TABLE 35.02-3

## PARASITIC AGENTS

Ancylostoma spp — hookworm	Leishmania spp
Ascaris spp	Necator spp — hookworm
Coccidia spp	Naegleria fowleri
Cysticercus cellulosae	Plasmodium spp
Echinococcus granulosus	Sarcocystis spp
Entamoeba spp	Schistosoma spp
Enterobius spp	Strongyloides spp
Fasciola spp	Taenia solium
Giardia spp	Toxoplasma spp <sup>b</sup>
Hymenolepis nana	Trypanosoma spp

<sup>b</sup>Special risk for pregnant females.

TABLE 35.02-4

## VIRAL AND RICKETTSIAL AGENTS

Hepatitis Viruses; A, B, NonA-NonB <sup>a</sup>	Herpesvirus simiae <sup>a</sup>
Herpesvirus group	Varicella virus
Herpesvirus hominis	Influenza viruses
Cytomegalovirus <sup>b</sup>	Poliovirus
Epstein-Barr virus	Poxviruses
	Cowpox virus

Molluscum contagiosum virus	Kuru agent
Monkeypox virus	Rickettsial Agents
Orf virus	Coxiella burnetii
Paravaccinia virus	Rickettsia akari
Tanapox virus	Rickettsia canada
Vaccinia virus	Rickettsia conori
Variola major virus <sup>a</sup>	Rickettsia montana
Variola minor virus <sup>a</sup>	Rickettsia mooseri
Whitepox virus	Rickettsia prowazekia <sup>a</sup>
Yaboapox virus	Rickettsia rickettsia <sup>a</sup>
Rabies Virus <sup>a</sup>	Rickettsia sennetsu
Rubella virus <sup>b</sup>	Rickettsia tsutsugamushi
Spongiform Encephalopathy Viruses	Rochalimae quintana
Creutzfeld-Jacob agent	Rochalimae vinsonii
	Vesicular Stomatitis Virus

<sup>a</sup>Agents of high virulence or contagion requiring special handling procedures.

<sup>b</sup>Special risk for pregnant females.

TABLE 35.02-5

ARBOVIRUSES

Absettarov	Bahig
Abu Hammad	Bakau
Acado	Baku
Acara	Bandia
African Horsesickness	Bangoran
African Swine Fever	Bangui
Aguacate	Banui
Aino	Banzi
Akabane	Barmah Forest
Alenquer	Batai
Alfuy	Batama
Aimpiwar	Batken
Amapari	Bauline
Ananindeua	Bebaru
Anhanga	Belem
Anhembi	Belmont
Anopheles A	Benevides
Anopheles B	Benfica
Apeu	Bertioga
Apoi	Bhanja
Araguari	Bimbo
Aride	Bimiti
Arkonam	Birao
Aruac	Bluetongue-Indigenous
Arumowot	Bluetongue-Exotic
Aura	Bobaya
Avalon	Bobia
Bagaza	Bocas

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Boraceia		Fort Morgan	
Botambi		Frijoles	
Boteke		Gamboa	
Bouboui		Gan Gan	
Bovine Ephemeral Fever		Garba	
Bujaru		Germiston	
Bunyamwera		Getah	
Burg el Arab		Gomoka	
Bushbush		Gordil	
Bussuquara		Gossas	
Buttonwillow		Grand Arbaud	
Bwamba		Gray Lodge	
Cabassou		Great Island	
Cacao		Guajara	
Cache Valley		Guama	
Caimito		Guaratuba	
California Encephalitis <sup>c</sup>		Guaroa	
Calovo		Gumbo Limbo	
Candiru		Hanzalova	
Cape Wrath		Hart Park	
Capim		Hazara	
Caraparu		Huacho	
Catu		Hughes	
Chaco		Hypr	
Chagres		Ibaraki	
Chandipura		Icoaraci	
Changuinola		Ieri	
Charleville		Ilesha	
Chenuda		Ilheus	
Chikungunya		Ingwayuma	
Chilibre		Inhangapi	
Chim		Inini	
Chobar Gorge		Inkoo	
Clo Mor		Ippy	
Cocal		Irituia	
Colorado Tick Fever <sup>c</sup>		Isfrahán	
Congo-Crimean Hemorrhagic Fever		Israel Turkey Meningitis	
Corriparta		Issyk-Kul	
Cotia		Itaituba	
D'Aguilar		Itaporanga	
Dakar Bat		Itaqui	
Dengue-2		Jamestown Canyon <sup>c</sup>	
Dengue-3		Japanese Encephalitis	
Dengue-4		Japunaut	
Dera Ghazi Khan		Jerry Slough	
Dhori		Johnston Atoll	
Dugbe		Joinjakaka	
Ebola		Juan Diaz	
Edge Hill		Jugra	
Entebbe Bat		Junin	
Ep. Hem. Dis.		Jurona	
Eubenangee		Jutiapa	
Everglades		Kadam	
Eyach		Kaeng Khoi	
Flanders		Kaikalur	
		Kairi	

Kaisodi		Marituba
Kamese		Matariya
Kammavanpettai		Matruh
Kannamangalam		Matucare
Kao Shuan		Mayaro
Karimabad		Melao
Karshi		Mermet
Kasba		Middleburg
Kemerovo		Minatitlan
Kern Canyon		Minnal
Ketapang		Mirim
Keterah		Mitchell River
Keuraliba		Modoc
Keystone		Moju
Khasan		Mono Lake
Klamath		Montana Myotis Leukemia
Kokobera		Moriche
Kolongo		Mosqueiro
Koongol		Mossuril
Korean Hemorrhagic Fever		Mount Elgon Bat
Koutango		M'Poko
Kowanyama		Mucambo
Kumlinge		Murray Valley Encephalitis
Kunjin		Murutucu
Kununurra		Nariva
Kwatta		Navarro
Kyasanur Forest Disease		Ndumu
Kyzylgach		Negishi
La Crosse		Nepuyo
Lagos Bat		New Minto
La Joya		Ngaingan
Landjia		Nique
Langat		Nkolbisson
Lanjan		Nodamura
Lassa		Nola
Latino		Northway
Lebombo		Ntaya
Le Dantec		Nugget
Lipovnik		Nyamanini
Liano Seco		Nyando
Lokern		Okhotskiy
Lone Star		Okola
Louping Ill		Olifantsvlei
Lukuni		Omsk Hemorrhagic Fever
Machupo		O'Nyong Nyong
Madrid		Oriboca
Maguari		Oropouche
Mahogany Hammock		Orungo
Main Drain		Ossa
Malakal		Ouango
Manawa		Oubangui
Manzanilla		Pacora
Mapputta		Pacui
Maprik		Pahayokeye
Marburg		Palyam
Marco		Paramushir

Parana		Sindbis	
Paroo River		Sixgun City	
Pata		Slovakia	
Pathum Thani		Snowshoe Hare	
Patois		Sokoluk	
Phnon-Penh Bat		Soldado	
Pichinde		Sororoca	
Picola		Spondweni	
Piry		St. Louis Encephalitis	
Pixuna		Stratford	
Pongola		Sunday Canyon Tacaiuma	
Ponteves		Tacaribe	
Powassan		Taggert	
Pretoria		Tahyna	
Puchong		Tamdy	
Punta Salinas		Tamiami	
Punta Toro		Tanga	
Qalyub		Tanjong Rabok	
Quaranfil		Tataguine	
Razdan		Telok Forest	
Restan		Tembe	
Rift Valley Fever		Tembusu	
Rio Brayo		Tensaw	
Rio Grande		Termeil	
Rochambeau		Tete	
Rocio		Tett nang	
Ross River		Thimiri	
Royal Farm		Thogoto	
Russian Spring-Summer		Thottapalayam	
Encephalitis		Tilligerry	
Sabo Saboya		Timbo	
Sagiyama		Timboteua	
Sakhalin		Tlacotalpan	
Sakpa		Tonate	
Salanga		Toure	
Salehabad		Tribec	
Sandfly F. (Naples)		Triniti	
Sandfly F. (Sicilian)		Trivittatus <sup>c</sup>	
Sandjimba		Trubanaman	
Sango		Tsuruse	
Santa Rosa		Turlock	
Sathuperi		Tyuleniy	
Saumarez Reef		Uganda S	
Sawgrass		Umatilla	
Sebokele		Umbre	
Seletar		Una	
Sembalam		Upolu	
Semliki Forest		Urucuri	
Sepik		Usutu	
Serra Do Navio		Utinga	
Shamonda		Uukuniemi	
Shark River		VEE (TC83)	
Shuni		Vellore	
Silverwater		Venezuelan Equine Encephalitis	
Simbu		Venkatapuram	
Simian Hem. Fev.		VS-Alagoas	

Wad-Medani	Yacaaba
Wallal	Yaquina Head
Wanowrie	Yata
Warrego	Yellow Fever
Wesselsbron	Yellow Fever (17D)
Western Equine Encephalitis	Yogue
West Nile	Zaliv Terpeniya
Whataroa	Zegla
Witwatersrand	Zika
Wongal	Zinga
Wongorr	Zingilamo
Wyeomyia	Zirqa

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Agents with a higher probability of possible contact within the state.

Note: All communicable diseases as designated by chapters H 45 to H 47 are to be reported in accordance with the rules of chapters H 45 to 47.

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## APPENDIX

Exerpts From the Employees' Right to Know Law  
ss. 101.58 to 101.599, Stats.

s. 101.58 (2) DEFINITIONS. (c) "Employee" means any person whose services are currently or were formerly engaged by an employer or an agricultural employer, or any applicant at the time an employer or agricultural employer offers to engage his or her services.

(d) "Employee representative" means an individual or organization to whom an employe gives written authorization to exercise his or her rights to request information under s. 101.583, 101.585, or 101.586, a parent of a minor employe or a recognized or certified collective bargaining agent.

(e) "Employer" means any person, except an agricultural employer, with control or custody of any employment or workplace who engages the services of any employe. "Employer" includes the state and its political subdivisions. If any employe is present at the workplace of an employer under an agreement between that employer and another employer or agricultural employer, "employer" means the employer with control or custody of a toxic substance or infectious agent. An employer who engages some employes to perform agricultural labor and other employes for other purposes is only considered an employer with respect to the employes engaged for other purposes.

(f) "Infectious agent" means a bacterial, mycoplasmal, fungal, parasitic or viral agent identified by the department by rule as causing illness in humans or human fetuses or both, which is introduced by an employer to be used, studied or produced in the workplace. "Infectious agent" does not include such an agent in or on the body of a person who is present in the workplace for diagnosis or treatment.

(h) "Overexposure" means and chronic or acute exposure to a toxic substance or infectious agent which results in illness or injury.

(i) "Workplace" means any location where an employe performs a work-related duty in the course of his or her employment, except a personal residence.

s. 101.581 Notice requirements. (1) EMPLOYER. An employer who uses, studies or produces a toxic substance or infectious agent shall post in every workplace at the location where notices to employes are usually posted a sign which informs employes that the employer is required, upon request, to provide an employe or employe representative with information regarding all of the following:

(a) The identity of any toxic substance or infectious agent which an employe works with or is likely to be exposed to.

(b) A description of any hazardous effect of the toxic substance or infectious agent.

(c) Precautions to be taken when handling the toxic substance or infectious agent.

(d) Procedures for emergency treatment in the event of overexposure to the toxic substance or infectious agent.

s. 101.585 Infectious agent information requirements; employer to employe. (1) Except as provided in s. 101.589 (1) and (3), within 72 hours after a written request by an employe or employe representative, exclusive of weekends and legal holidays, an employer shall provide in writing to the employe or employe representative the following information regarding any infectious agent which the employe works with or is likely to be exposed to if the infectious agent is present in the workplace when the request is made or at any time during the 30 days immediately preceding the request.

(a) The name and any commonly used synonym of the infectious agent.

(b) Any method or route of transmission of the infectious agent.

(c) Any symptom or effect of infection, emergency and first aid procedures and a telephone number to be called in an emergency.

(d) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the infectious agent.

(e) Procedures for handling, cleanup and disposal of infectious agents leaked or spilled.

(2) An employer is not required to provide information regarding an infectious agent under sub. (1) if the employe or employe representative making the request has requested information about the infectious agent under sub. (1) within the preceding 12 months, unless the employe's job assignment has changed or there is new information available concerning any of the subjects about which information is required to be provided.

s. 101.589 Extended time periods; exceptions. (1) If an employer has not obtained the information required to be provided under made under ss. 101.583 (2) (a) and (c) and 101.585 (1), at the time of a request made under s. 101.583 (2) (a) or (c) or 101.585 (1), the employer shall provide the information within 30 days after the request, exclusive of weekends and legal holidays.

(3) An employer who has requested from the manufacturer or supplier of a toxic substance or from the supplier of an infectious agent any information required to be provided under s. 101.583 (2) (a) or (c) or 101.585 (1), but who has not received and does not already have that information, is not required to provide the information but shall notify any requesting employe or employe representative that the employer has requested, has not received and does not otherwise have the information.

s. 101.59 Manufacturer, supplier; requirements. Within 15 days, exclusive of weekends and legal holidays, after receipt of a request from an employer, any manufacturer or supplier of a toxic substance transported or sold for use in this state, or any supplier of an infectious agent transported or sold for use in this state, shall provide to the employer the information the employer is required to provide employes under s. 101.583 (2) (a) or 101.585 (1).

s. 101.592 Confidential information. (1) A manufacturer or supplier of a toxic substance, a supplier of an infectious agent or an employer may

declare that information required to be provided under s. 101.583, 101.585, 101.59 or 101.597, except information described in ss. 101.583 (2) (a) 7 to 11, 101.585 (1) (b) to (e) and 101.597 (1) (a) 2 to 7 and (b) 2 and 3, relates to a process or production technique which is unique to, or is information the disclosure of which would adversely affect the competitive position of, the manufacturer, supplier or employer. If an employer, employe or employe representative requests information under s. 101.583, 101.585 or 101.59 that is confidential, the manufacturer, supplier or employer shall inform the requester that part of the requested information is confidential, but shall provide any part of the requested information that is not confidential or that, under this subsection, may not be declared confidential. When a manufacturer, supplier or employer declares information confidential, it shall notify the department and shall state the general use of the toxic substance or infectious agent and the items of information which it did and did not provide to the requester.

(2) Notwithstanding sub. (1), a manufacturer, supplier or employer shall provide the information specified in s. 101.583 (2) (a) 1 and 2 or 101.585 (1) (a) upon a request from an employe's authorized physician stating that the information is necessary for medical treatment of the employe. No physician receiving information under this subsection may disclose it to any person without the written consent of the patient and of the manufacturer, supplier or employer.

s. 101.595 **Employe rights.** (1) **NOT TO WORK WITH TOXIC SUBSTANCE, INFECTION AGENT OR PESTICIDE.** Except as provided in ss. 101.589 (3) and 101.592, if an employe has requested information about a toxic substance, infectious agent or pesticide under s. 101.583, 101.585 or 101.586 and has not received the information required to be provided under s. 101.583, 101.585, 101.586 or 101.589 (1) or (2), the employe may refuse to work with or be exposed to the toxic substance, infectious agent or pesticide until such time as the employer supplies the information under s. 101.583, 101.585 or 101.586 to the employe who has made the request.

(2) **RETALIATION PROHIBITED.** No employer or agricultural employer may discharge or otherwise discipline or discriminate against any employe because the employe has exercised any rights under ss. 101.58 to 101.599 or has testified or is about to testify in any proceeding related to those sections.

(3) **WAIVER PROHIBITED.** No person may request or require any employe to waive any rights under ss. 101.58 to 101.599.

s. 101.597 **Education and training programs.** (1) **BY EMPLOYER; TOXIC SUBSTANCE OR INFECTIOUS AGENT.** (a) *Generally.* Except as provided in par. (b), prior to an employe's initial assignment to a workplace where the employe may be routinely exposed to any toxic substance of infectious agent, an employer shall provide the employe with an education or training program. The employer shall provide additional instruction whenever the employe may be routinely exposed to any additional toxic substance or infectious agent. For each toxic substance or infectious agent to which the employe may be routinely exposed, the education or training program shall include:

1. a. For a toxic substance, the trade name, generic or chemical name and any commonly used synonym for the toxic substance and the trade  
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name, generic or chemical name and any commonly used synonym for its major components.

- b. For an infectious agent, its name and any commonly used synonym.
2. The location of the toxic substance or infectious agent.
3. Any symptom of acute or chronic effect of overexposure to the toxic substance or infectious agent.
4. For a toxic substance, the potential for flammability, explosion and reactivity.
5. Proper conditions for safe use of and exposure to the toxic substance or infectious agent.
6. Special precautions to be taken and personal protective equipment to be worn or used, if any, when handling or coming into contact with the toxic substance or infectious agent.
7. Procedures for handling, cleanup and disposal of toxic substances or infectious agents leaked or spilled.

(b) *Exception.* In an area where employes usually work where employes work with a large number of toxic substances or infectious agents which are received in packages of one kilogram or less and no more than 10 kilograms of which are used or purchased per year, the employer may provide a general education or training program in lieu of the education or training program described in par. (a). The general training program shall be provided prior to an employe's initial assignment to the area and shall include:

1. The information specified in par. (a) 1 and 2.
2. The nature of the hazards posed by the toxic substances or infectious agents or both.
3. General precautions to be taken when handling or coming into contact with the toxic substances or infectious agents.

s. 101.599 Forfeitures. (1) Except as provided in sub. (2), any person who violates ss. 101.58 to 101.599 shall forfeit not more than \$1,000 for each violation.

(2) Any person who wilfully violates or exhibits a pattern of violation of ss. 101.58 to 101.599 shall forfeit not more than \$10,000 for each violation.